

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CLEMENT OBEYA, A055579757,

Petitioner,

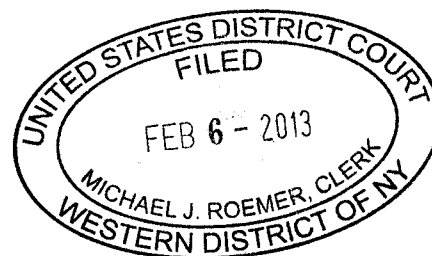
-v-

DECISION AND ORDER  
13-CV-0036C

ERIC H. HOLDER, JR., Attorney General of the United States, MICHAEL PHILIPS, Field Office Director Office of Enforcement and Removal Operations Buffalo Field Office Department of Homeland Security Bureau of Immigration and Customs Enforcement, SEAN CALLAGHER, Designated Field Office Director, ERO Buffalo Federal Detention Facility, TODD TRYON, Assistant Field Office Director, Buffalo Federal Detention Facility, MILLER JONES, Supervisory Detention and Deportation Officer Buffalo Federal Detention Facility, JEFFERY CRANE, Deportation Officer Buffalo Federal Detention Facility,

Respondents.

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Petitioner Clement Obeya, who is currently detained at Buffalo Federal Detention Facility pursuant to a final order of removal, seeks relief pursuant to 28 U.S.C. § 2241 as more fully set forth in the petition. Petitioner has paid the \$ 5.00 filing fee.

IT HEREBY IS ORDERED as follows:

1. Within **45 days** of the service of this Order, respondents shall file and serve an **answer** to the application with the Clerk of Court which shall respond to the allegations of the petition. Alternatively, in the appropriate case, respondents may file a motion to dismiss the petition, accompanied by pertinent exhibits which demonstrate that an answer to the petition is unnecessary, by no later than **45 days** from service of this Order.

Respondents also shall file and serve by the above date a **memorandum of law** with the Clerk of Court addressing each of the issues raised in the petition and including citations of relevant supporting authority. Respondents are directed to accompany all citations to sections of the Immigration and Naturalization Act with reference to the appropriate sections of 8 U.S.C..

Petitioner shall have **25 days** upon receipt of the answer to file a written response to the answer and memorandum of law (or motion to dismiss).

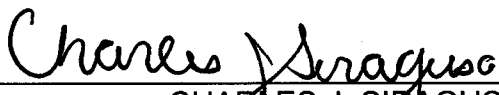
2. The Clerk of Court shall serve a copy of the petition, together with a copy of this Order, by certified mail, upon the following:

- Facilities Director, Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, D.C. 20530; and
- United States Attorney for the Western District of New York, Civil Division, 138 Delaware Avenue, Buffalo, New York 14202.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENTS.**

SO ORDERED.

Dated: FEB. 4, 2013  
Rochester, New York

  
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CHARLES J. SIRAGUSA  
United States District Judge